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CLERK US BANKRUPTCY COURT  
DISTRICT OF OREGON

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Of Attorneys for Committee of Parishioners

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF OREGON

In re

ROMAN CATHOLIC ARCHBISHOP OF  
PORTLAND IN OREGON, and successors, a  
corporation sole, dba the ARCHDIOCESE OF  
PORTLAND IN OREGON,

Debtor.

TORT CLAIMANTS COMMITTEE,

Plaintiff,

v.

ROMAN CATHOLIC ARCHBISHOP OF  
PORTLAND IN OREGON, and successors, a  
corporation sole, dba the ARCHDIOCESE OF  
PORTLAND IN OREGON,

Defendant.

NO. 04-37154-elp11

Adversary Proceeding  
No. 04-3292-elp

**MOTION TO INTERVENE**

Pursuant to Fed. R. Bankr. P. 7024 and Fed. Rule Civ. P. 24, the Committee of  
Parishioners, made up of no less than 69 parish communities, including parishes, parishioners,

PAGE

1- MOTION TO INTERVENE

[54319-0001-000000/PA050310.153]

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1 beneficiaries, donors, settlers, and other parties with direct connections to parish services and  
2 properties (the "Parishioners Committee"), moves (the "Motion") for an Order (1) granting the  
3 Parishioners Committee leave to intervene as of right in the above-captioned adversary  
4 proceeding pursuant to Fed. Rule Civ. P. 24(a)(2) or, in the alternative, granting the Parishioners  
5 Committee leave to intervene permissively pursuant to Fed. Rule Civ. P. 24(b)(2); and (2)  
6 granting the Parishioners Committee leave to file its Answer attached hereto as Exhibit 1.


7 The Motion is supported by the Parishioners Committee's Memorandum in Support of  
8 Motion to Intervene, the Declaration of John Rickman, the Declaration of Cathy Holland, the  
9 Declaration of Glenn Pelikan, the Declaration of Johnston Mitchell, and the Declaration of  
10 Mary-Helen Brennan. Pursuant to Fed. R. Civ. P. 24(c), the Parishioners Committee has  
11 prepared a proposed Answer, which is attached to the Motion as Exhibit A.

12 Counsel for the Parishioners Committee has conferred with counsel for the Defendant  
13 regarding this motion. Defendant does not oppose the intervention of the Parishioners  
14 Committee as a third party. Counsel for the Parishioners Committee has also conferred with the  
15 Plaintiffs regarding this motion. Counsel for Plaintiffs indicated that Plaintiffs will likely not  
16 oppose the relief sought in this Motion.

17 DATED: February 3, 2005.

18 **PERKINS COIE LLP**

19  
20 By



21 Steven M. Hedberg, OSB No. 84244

22 Douglas R. Pahl, OSB No. 95047

23 Jeanette L. Thomas, OSB No. 98042

24 Of Attorneys for Committee of Parishioners  
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26

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9  
10 Of Attorneys for Committee of Parishioners

11 UNITED STATES BANKRUPTCY COURT  
12 FOR THE DISTRICT OF OREGON

13 In re

14 ROMAN CATHOLIC ARCHBISHOP OF  
15 PORTLAND IN OREGON, and successors, a  
16 corporation sole, dba the ARCHDIOCESE OF  
17 PORTLAND IN OREGON

18 Debtor.

19 TORT CLAIMANTS COMMITTEE,

20 Plaintiff,

21 v.

22 ROMAN CATHOLIC ARCHBISHOP OF  
23 PORTLAND IN OREGON, and successors, a  
24 corporation sole, dba the ARCHDIOCESE OF  
25 PORTLAND IN OREGON,

26 Defendant.

NO. 04-37154-elp11

Adversary Proceeding  
No. 04-3292-elp

**[PROPOSED] ANSWER AND  
AFFIRMATIVE DEFENSES OF  
APPLICANT FOR INTERVENTION**

1 In answer to Plaintiff's Complaint, the Committee of Catholic Parishes, Parishioners and  
2 Interested Parties in the Archdiocese of Portland in Oregon (the "Committee") alleges as follows:

3 1. The Committee admits the allegations in paragraph 1 of Plaintiff's Complaint.

4 2. The Committee admits the allegations in paragraph 2 of Plaintiff's Complaint.

5 3. Answering paragraph 3 of Plaintiff's Complaint, the Committee admits that, to the  
6 extent not limited by the United States Constitution and the Oregon Constitution, and any other  
7 applicable nonbankruptcy law, the Bankruptcy Court has jurisdiction over this adversary  
8 proceeding. The Committee denies the remaining allegations in paragraph 3.

9 4. Answering paragraph 4 of Plaintiff's Complaint, to the extent not limited by the  
10 United States Constitution and the Oregon Constitution, and any other applicable nonbankruptcy  
11 law, the Committee admits venue is proper in this district. The Committee denies the remaining  
12 allegations in paragraph 4.

13 5. Answering paragraph 5 of Plaintiff's Complaint, to the extent not limited by the  
14 United States Constitution and the Oregon Constitution, and any other applicable nonbankruptcy  
15 law, the Committee admits the allegations in paragraph 5 of Plaintiff's Complaint.

16 6. The Committee admits the allegations in paragraph 6 of Plaintiff's Complaint.

17 7. The Committee admits the allegations in paragraph 7 of Plaintiff's Complaint only  
18 to the extent that the Debtor, by filing its voluntary petition, created an estate comprised of the  
19 property described in 11 USC § 541(a). The Committee denies the remaining allegations in  
20 paragraph 7.

21 8. The Committee admits the allegations in paragraph 8 of Plaintiff's Complaint.

22 9. The Committee admits the allegations in paragraph 9 of Plaintiff's Complaint only  
23 to the extent that Schedule B, Personal Property, to the Debtor's Schedules of Assets and  
24 Liabilities was filed and that the document speaks for itself with respect to its contents. The  
25 Committee denies the remaining allegations in paragraph 9.

1           10. The Committee admits the allegations in paragraph 10 of Plaintiff's Complaint only  
2 to the extent that Schedule A, Real Property, to the Debtor's Schedules of Assets and Liabilities  
3 was filed and that the document speaks for itself with respect to its contents. The Committee  
4 denies the balance of the allegations in paragraph 10.

5           11. The Committee admits the allegations in paragraph 11 of Plaintiff's Complaint only  
6 to the extent that Exhibits 14.A and 14.B attached to Question 14 of its Statement of Financial  
7 Affairs were filed and speak for themselves with respect to their contents. The Committee  
8 denies the remaining allegations in paragraph 11.

9           12. Answering paragraph 12 of Plaintiff's Complaint, the Committee admits that  
10 Plaintiff has made certain contentions. The Committee denies Plaintiff's allegations that the  
11 Disputed Property is property of the estate. The Committee denies the remaining allegations in  
12 paragraph 12.

13           13. Defendant admits the allegations in paragraph 13 of Plaintiff's Complaint.

14           14. Except as expressly admitted above, the Committee denies each and every other  
15 allegation in Plaintiff's Complaint.

16                           **FIRST AFFIRMATIVE DEFENSE**  
17                   **(Failure to Join Parties Needed for Just Adjudication)**  
18                           **(Fed. R. Bankr. Proc. 7012(b)(7) and 7019)**

19           15. The Plaintiff has failed to join necessary parties or parties whose presence is  
20 required for just adjudication, including but not limited to parties not represented by the  
21 Committee with beneficial or other interests in the Disputed Property (as defined in the  
22 Complaint).

23                           **SECOND AFFIRMATIVE DEFENSE**  
24                   **(Failure to State a Claim Upon Which Relief Can Be Granted)**  
25                           **(Fed. R. Bankr. Proc. 7012(b)(6))**

26           16. The Plaintiff has filed to state a claim upon which relief can be granted.

1 **THIRD AFFIRMATIVE DEFENSE**  
2 **(Not Property of the Estate)**

3 17. The Debtor holds the Disputed Property (as defined in the Complaint) for others  
4 under, among other things, the law of trusts, the Code of Canon Law, restrictions by and for  
5 others, and other applicable bankruptcy law.

6 **FOURTH AFFIRMATIVE DEFENSE**  
7 **(Lack of Subject Matter Jurisdiction)**  
8 **(Fed. R. Bankr. Proc. 7012(b)(1))**

9 18. The Court lacks jurisdiction over some or all of Plaintiff's claims.

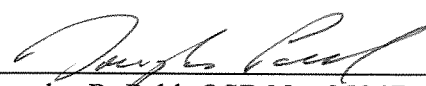
10 **FIFTH AFFIRMATIVE DEFENSE**  
11 **(Religious Freedom)**

12 19. The relief sought by Plaintiff would violate the First Amendment and its Oregon  
13 counterpart, ORS 65.042, and other applicable nonbankruptcy law.

14 WHEREFORE, the Committee requests the Court enter a judgment dismissing with  
15 prejudice the Complaint and all claims for relief asserted by Plaintiff and for a judgment in favor  
16 of the Committee for its costs and disbursements incurred herein, and for such other relief as the  
17 Court may deem just and equitable.

18 Dated this 3<sup>rd</sup> day of February, 2005

19 **PERKINS COIE LLP**

20 By   
21 Douglas R. Pahl, OSB No. 95047  
22 Of Attorneys for Committee of Parishioners  
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